

To: Smith, Claudia[Smith.Claudia@epa.gov]
From: Beeler, Cindy
Sent: Mon 7/18/2016 8:43:16 PM
Subject: RE: FOIA from FrackTracker

Well described, Claudia (and thanks for including the FOIA as an attachment as this email chain continues).

Cindy Beeler

US EPA Region 8, Energy Advisor
Office of the Regional Administrator
Tel: 303-312-6204
Beeler.Cindy@epa.gov

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From: Smith, Claudia

Sent: Monday, July 18, 2016 2:37 PM

To: Wasem, Russell <Wasem.Russell@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>

Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Reynolds, Cynthia <reynolds.cynthia@epa.gov>; Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>; Campbell, Gwen <Campbell.Gwen@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Fronczak, David <Fronczak.David@epa.gov>; Rothery, Deirdre <Rothery.Deirdre@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>

Subject: RE: FOIA from FrackTracker

Russell,

This is an extremely broad FOIA upon my reading of it. Any responsive documents the Region has (potentially voluminous) would be region, state, and/or Reservation-specific, and that is speaking just for Air Emissions on the Air Program side. I noticed there is a water element as well, which would likely pull in the Water Program. The Region 8 Offices of Enforcement, Compliance, and Environmental Justice, and Ecosystems

Protection and Remediation are also likely to have responsive documents, and I believe any responsive documents would be similarly region/state/reservation-specific. Regarding analysis done for region/state/Reservation-specific rulemakings or permits, many of the analyses should be publicly available in the dockets on regulations.gov or on the regional web pages. However, there may be many records that would traditionally be considered internal deliberative, so some guidance on that would be appreciated. Given the prevalence of oil and natural gas development in the Region, this FOIA could be very time consuming for us unless the requestor is only looking for analyses that were done for the 10,000-foot national view.

Thanks,

Claudia

From: Wasem, Russell
Sent: Monday, July 18, 2016 1:10 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Please find the FOIA attached.

From: Smith, Claudia
Sent: Monday, July 18, 2016 3:09 PM
To: Stoneman, Chris <Stoneman.Chris@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

That's probably correct, then. However, based just on the information in Chris Stoneman's forward to us, it is difficult to determine the scope of the FOIA beyond analyses done using data from DrillingInfo. There was reference to an attached FOIA, but it was not actually attached. All we had was the email chain.

Thanks,

Claudia

From: Stoneman, Chris
Sent: Monday, July 18, 2016 12:45 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>;
Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty said that it's no limited to the InfoDrilling database so you have some that is responsive but may be deliberative as well.

From: Smith, Claudia
Sent: Monday, July 18, 2016 2:43 PM
To: Stoneman, Chris <Stoneman.Chris@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>;
Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Hi, Chris,

I think all I would have is anything you may have cc'd me on in development of the national Indian country oil and natural gas FIP. There may be a few emails where we provided responses/comments to documents ERG prepared.

Cindy or Alexas,

Would you have anything responsive related to development of the draft proposed U&O FIP? We didn't use ERG, but did consult the DrillingInfo database, correct?

Thanks,

Claudia

From: Stoneman, Chris
Sent: Monday, July 18, 2016 11:56 AM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Mckelvey, Laura <Mckelvey.Laura@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty –

I hope you got my earlier email – I'll continue searching. I'm cc'ing my colleague Laura McKelvey and our O&NG partners in R8 as they may have responsive materials as well.

Thanks.

Chris

From: Wasem, Russell
Sent: Wednesday, July 13, 2016 1:29 PM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Goehl, Eric <Goehl.Eric@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>; Thoma, Eben <Thoma.Eben@epa.gov>; Ridley, Caroline <Ridley.Caroline@epa.gov>; Snyder, Jennifer <Snyder.Jennifer@epa.gov>; Biddle, Lisa <Biddle.Lisa@epa.gov>; Eyth, Alison

<Eyth.Alison@epa.gov>

Cc: Johnston, Carey <Johnston.Carey@epa.gov>

Subject: FW: FOIA from FrackTracker

Good Afternoon,

You are receiving this email because ERG has identified you as someone who has requested tailored queries of the DrillingInfo database. EPA recently received the attached FOIA from the environmental advocacy group FracTracker Alliance requesting agency conducted analysis using the DrillingInfo database. You are welcome to read the attached FOIA request. To make it easier I will ask that you send me any analysis you have either conducted personally or commissioned ERG to conduct using the DrillingInfo database with a sentence or two description of what the analysis contains and I can decide whether it is responsive. Please ensure anything that should be withheld from release due to a sensitive designation (attorney work product, CBI, enforcement sensitive, internal/deliberative, pre-decisional, etc.) is clearly marked.

Please either confirm you have nothing responsive or send me your analysis by Friday July 22nd. Contact me with questions.

Best,

Rusty

Russell Wasem

Office of Compliance

U.S. Environmental Protection Agency

(202) 564-7096

From: Casey Pickering [<mailto:Casey.Pickering@erg.com>]
Sent: Monday, July 11, 2016 3:16 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Jessica Gray <Jessica.Gray@erg.com>
Subject: RE: FOIA from FrackTracker

Rusty,

Sorry for the delay in reply. We've spoken to the leads for ERG projects to try to figure out what general topics from the FrackTracker FOIA request may already be generated or something of similar scope already generated.

As listed in the FOIA, ERG has not directly generated any of the requests. Using a broad interpretation as you note below, ERG has conducted analyses that are similar and may include some of the requested items. We don't have the deliverables indexed across programs/projects or readily available, as our assessment is from general recollections; so it would likely require substantial effort for us to identify and provide all potentially relevant work products. We've already spent a few hours identifying projects using the data, ERG/EPA leads, and inquiring about the FOIA request items. Anything additional will be more time consuming so we should discuss budget and timing.

Another consideration to highlight is that anyone with access to ECHO.gov O&G Knowledge Base may have developed work products that align with the FOIA requests, but we have no way of knowing what all users have done with the data. Here is a list of EPA projects that we are aware have used the data and might have generated analyses that generally align with the FOIA requests:

Project	EPA Contact(s)
GHGRP Subpart W technical analyses	David Jacobson (historical) (OECA/OC); Mark deFigueiredo (current) (OAR/OAP/Climate Change Division)

OAQPS ICR Mailing List	Eric Goehl (OAR/OAQPS/Sector Policies and Programs Division)
OAQPS O&G NSPS	Alex Macpherson, Lisa Thompson (OAR/OAQPS)
OAQPS Tribal O&G	Chris Stoneman (OAR/OAQPS)
ORD Abandoned Wells	Eben Thoma (ORD)
ORD HF Study	Caroline Ridley (ORD)
OAQPS NEI Tool	Jennifer Snyder (OAQPS/Air Quality Assessment Division/Emissions Inventory and Analysis Group)
OW Rulemaking	Lisa Biddle (OW)
OAQPS Spatial Allocation of O&G Emissions	Alison Eyth (OAQPS/Air Quality Assessment Division/Emissions Inventory and Analysis Group)

Jessica is out of the office today, but let us know if you'd like to set up a time to further discuss this week.

Thanks,

Casey

Casey Pickering

Eastern Research Group, Inc. (ERG)

1600 Perimeter Park Dr. Ste. 200

Morrisville, NC 27560

(919) 468-7885

From: Casey Pickering

Sent: Friday, July 01, 2016 3:15 PM

To: 'Wasem, Russell' <Wasem.Russell@epa.gov>; Jessica Gray <Jessica.Gray@erg.com>

Subject: RE: FOIA from FrackTracker

Rusty,

Thanks for this follow up clarification. We're checking internally around ERG to be able to summarize which requests we might have covered with previous analyses, and will follow up with you early next week. Have a good July 4th weekend!

Casey

Casey Pickering

Eastern Research Group, Inc. (ERG)

1600 Perimeter Park Dr. Ste. 200

Morrisville, NC 27560

(919) 468-7885

From: Wasem, Russell [<mailto:Wasem.Russell@epa.gov>]

Sent: Friday, July 01, 2016 10:14 AM

To: Jessica Gray <Jessica.Gray@erg.com>; Casey Pickering <Casey.Pickering@erg.com>

Subject: RE: FOIA from FrackTracker

Hello Jessica, Casey,

To clarify how broad we will interpret the FOIA request. We will take a broad approach and consider previously conducted analysis responsive even if the timelines (eg. they want analysis covering 2014 and we only have analysis for 2012) or geographic (eg. they want national analysis and we only have analysis for EPA region 3) do not match the request in the FOIA.

Best,

Rusty

From: Wasem, Russell
Sent: Thursday, June 30, 2016 9:34 AM
To: 'Jessica Gray' <Jessica.Gray@erg.com>
Subject: FW: FOIA from FrackTracker

I started the email before I called, so you have heard most of this.

Good Morning Jessica,

We recently received a FOIA from an environmental advocacy group requesting analysis based on data pulls from the DrillingInfo database. I need to determine if ERG (on behalf of any part of EPA) has ever conducted the analysis requested in the FOIA. Once we determine the existence of the requested record or not, we can consult with DrillingInfo legal to determine whether releases existing records will violation the subscription/license agreement. I have highlighted the analysis that Jim Kenney believes ERG has conducted for him in the past.

Please keep track of how much time you spend on this request and let me know if you think this will take you or your colleagues more than 2 hours. If responding to this FOIA will impact our ability to fund planned maintenance and refreshes the O&G knowledge base, I need to let my management know ASAP.

Our due date is 7/18 (extensions can be granted).

Enjoy your weekend!!

Rusty

202-564-7096

From: Kenney, James
Sent: Wednesday, June 29, 2016 5:11 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Miller, Mamie <Miller.Mamie@epa.gov>; Barrette, Michael <Barrette.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Hi Rusty,

I'm a little out of the loop on recent requests by OCE and the Regions but in the past we had asked ERG to pull similar data sets from DrillingInfo or the EPA datasets that integrated DrillingInfo data and our own data/thresholds. For example, looking under the heading: Onshore Active or Plugged Oil/Gas/Coalbed Methane Wells:

1-3, generally yes, ERG provided us this information in the past.

4, no.

5, yes but for smaller geographic area.

6, yes but for a smaller geographic area.

7, yes but for a smaller geographic area.

We generally found ways to limit the data for targeting purposes by using things like non-attainment status, production greater than zero for the current year, etc. so that may be the difference between the FOIA and what we asked of ERG.

Keep in mind that OAR, OW, and others have used this data set over the years so they too could have asked ERG for national data pulls more in line with the FOIA so I think looping in ERG on what they have done for other programs and region, under the OC contract or not, would be worth asking about.

I hope this helps. Happy to discuss in more detail.

Thanks,

Jim